

## **Local Criminal Rule 58-1 - Authority of United States Magistrate Judges in Criminal Matters**

(a) **Authority of Magistrate Judges.** The authority of United States magistrate judges in criminal misdemeanor matters is governed by 18 U.S.C. § 3401 et seq., 28 U.S.C. § 636(a), and this Rule.

(b) **Class A Misdemeanors.**

i. **Special designation; Order of Reference.** The magistrate judges are hereby specially designated to try persons accused of, and sentence persons convicted of, Class A misdemeanor offenses. A magistrate judge may exercise this jurisdiction following an Order of Reference issued by the district judge.

ii. **Consent.** Both parties seeking an Order of Reference shall file, jointly or severally, their respective consents to proceed before the magistrate judge. The district judge may issue the Order of Reference in the judge's discretion.

iii. **Procedure.** The magistrate judge must advise the defendant of his/her right to trial, judgment and sentencing by the district judge, conduct all other proceedings required by 18 U.S.C. § 3401(b), and obtain the defendant's informed consent on the record.

(c) **Petty Offenses (Class B and C Misdemeanors and infractions).** The magistrate judge is authorized by statute and this Rule to conduct all proceedings relating to petty offenses without necessity of consent by the defendant or Order of Reference.

### **Local Rules Advisory Committee Comment Re: 2016 Amendment**

**Renumbering Explanatory Note:** This is technical amendment. Local Rules are generally numbered consistently with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, when practical. Fed. R. Crim. P. 12 applies to Pleadings and Motions. Consequently, this Rule is renumbered to become Local Criminal Rule 58-1, which achieves consistency with Fed. R. Crim. P. 58, Petty Offenses and Other Misdemeanors.